

SENATE BILL 469

P5

EMERGENCY BILL

0lr0383

By: **The President (By Request – Department of Legislative Services)**

Introduced and read first time: February 1, 2010

Assigned to: Rules

Committee Report: Favorable

Senate action: Adopted

Read second time: February 19, 2010

CHAPTER _____

1 AN ACT concerning

2 **Annual Curative Bill**

3 FOR the purpose of generally curing previous Acts of the General Assembly with
4 possible title defects; altering the conditions under which the county councils of
5 Montgomery County and Prince George's County may grant a full or partial
6 exemption for certain properties owned by certain entities from the system
7 development charge imposed by the Washington Suburban Sanitary
8 Commission (WSSC); authorizing each board of community college trustees to
9 waive certain out-of-state and out-of-county or out-of-region fees for certain
10 students who have moved to the State as an employee or a family member of an
11 employee as part of the Base Realignment and Closure (BRAC) process; altering
12 the techniques that may be used to restrain certain individuals in certain
13 facilities; requiring that certain trustees on the Board of Trustees of the State
14 Retirement and Pension System be given reasonable time during work to attend
15 certain Board of Trustees or committee meetings; extending the termination
16 date of certain provisions of law relating to the name, powers and duties, and
17 certain reports of the Mortality and Quality Review Committee, requiring the
18 Office of Health Care Quality to provide certain data to the Committee, and
19 requiring the Developmental Disabilities Administration to provide a certain
20 report to certain facilities or programs; providing for the effect and construction
21 of certain provisions of this Act; providing for the effective date of a certain
22 provision of this Act; making this Act an emergency measure; and generally
23 repealing and reenacting without amendments certain Acts of the General
24 Assembly that may be subject to possible title defects in order to validate those
25 Acts.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



- 1 BY repealing and reenacting, without amendments,
2 Article 29 – Washington Suburban Sanitary District
3 Section 6–113
4 Annotated Code of Maryland
5 (2003 Replacement Volume and 2009 Supplement)
- 6 BY repealing and reenacting, without amendments,
7 Article – Corporations and Associations
8 Section 5–108
9 Annotated Code of Maryland
10 (2007 Replacement Volume and 2009 Supplement)
- 11 BY repealing and reenacting, without amendments,
12 Article – Courts and Judicial Proceedings
13 Section 3–8C–12
14 Annotated Code of Maryland
15 (2006 Replacement Volume and 2009 Supplement)
- 16 BY repealing and reenacting, without amendments,
17 Article – Education
18 Section 16–310(a)(1) and (6) and (b)(1) and (4) and 18–2806
19 Annotated Code of Maryland
20 (2008 Replacement Volume and 2009 Supplement)
- 21 BY repealing and reenacting, without amendments,
22 Article – Environment
23 Section 9–1707(f)
24 Annotated Code of Maryland
25 (2007 Replacement Volume and 2009 Supplement)
- 26 BY repealing and reenacting, without amendments,
27 Article – Health – General
28 Section 10–701 and 21–305(a)
29 Annotated Code of Maryland
30 (2009 Replacement Volume)
- 31 BY repealing and reenacting, without amendments,
32 Article – State Personnel and Pensions
33 Section 21–104(e)
34 Annotated Code of Maryland
35 (2009 Replacement Volume and 2009 Supplement)
- 36 BY repealing and reenacting, without amendments,
37 Article – Tax – General
38 Section 5–301(e)
39 Annotated Code of Maryland

1 (2004 Replacement Volume and 2009 Supplement)

2 BY repealing and reenacting, without amendments,
3 Chapter 445 of the Acts of the General Assembly of 2005, as amended by
4 Chapter 485 of the Acts of the General Assembly of 2009
5 Section 1(3) Item RC00(A), Item RM00(D), and Item ZA00(AF)

6 BY repealing and reenacting, without amendments,
7 Chapter 268 of the Acts of the General Assembly of 2006, as amended by
8 Chapters 48 and 49 of the Acts of the General Assembly of 2009
9 Section 3

10 BY repealing and reenacting, without amendments,
11 Article – Transportation
12 Section 12–118(e)
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2009 Supplement)
15 (As enacted by Chapter 500, Section 2 of the Acts of the General Assembly of
16 2009)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article 29 – Washington Suburban Sanitary District**

20 6–113.

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) “Fixture unit” means the assigned value for a particular plumbing
23 fixture, or group of plumbing fixtures, as set forth in the WSSC plumbing and gas
24 fitting regulations, standardized with a common lavatory having an assigned value of
25 1 based on its probable discharge into the drainage system or hydraulic demand on the
26 water supply.

27 (3) “New service” means:

28 (i) A first time connection of a property to the WSSC water or
29 sewer system; or

30 (ii) A new connection or increased water meter size for a
31 property previously or currently served by the WSSC if the new connection or
32 increased meter size is needed because of a change in the use of the property or an
33 increase in demand for service at the property.

34 (4) “Toilet” means a water closet, as set forth in the WSSC plumbing
35 and gas fitting regulations.

1 (b) (1) Subject to the provisions of this section, in addition to any other
2 charges authorized under this article, the WSSC may impose a system development
3 charge that shall be paid by an applicant for new service.

4 (2) The system development charge shall be paid as follows:

5 (i) For residential properties:

- 6 1. 50% at the time the application is filed; and
7 2. 50% within 12 months after the date on which a
8 plumbing permit application is filed with the Commission or on transfer of title to the
9 property, whichever occurs first; and

10 (ii) For other properties, 100% at the time the plumbing permit
11 application is filed.

12 (3) At the time of the filing of the plumbing permit application, the
13 applicant shall deposit with the WSSC security in the form of an irrevocable letter of
14 credit or a financial guaranty bond or in a form established and approved by the
15 WSSC under its rules and regulations.

16 (c) (1) (i) The Montgomery County Council and the Prince George's
17 County Council shall meet annually to discuss and approve the amount of the system
18 development charge.

19 (ii) The amount of the charge for a particular property:

20 1. Shall be based on the number of plumbing fixtures
21 and the assigned values for those fixtures as set forth in the WSSC plumbing and gas
22 fitting regulations;

23 2. Except as provided in item 3 of this subparagraph, on
24 or after July 1, 1998, may not exceed \$200 per fixture unit;

25 3. For residential properties with five or fewer toilets,
26 shall be based on the number of toilets per dwelling unit and:

27 A. For each apartment unit, may not exceed \$2,000;

28 B. For dwellings with one or two toilets, may not exceed
29 \$3,000;

30 C. For dwellings with three to four toilets, may not
31 exceed \$5,000; or

1 D. For dwellings with five toilets, may not exceed \$7,000;
2 and

3 4. For dwellings with more than five toilets, shall be
4 calculated on a fixture unit basis.

5 (iii) When establishing the charge under this section, the County
6 Councils shall identify and consider the actual cost of construction of WSSC facilities.

7 (iv) When establishing the charge under this section, under
8 criteria established jointly and agreed to by the County Councils, the County Councils:

9 1. Shall grant a full or partial exemption from the
10 charge for public sponsored or affordable housing as jointly defined and agreed upon
11 by the County Councils;

12 2. May grant a full or partial exemption from the charge
13 for:

14 A. Revitalization projects; or

15 B. If the property is used primarily for recreational and
16 educational programs and services to youth, property owned by a community-based
17 organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue
18 Code and that has the primary mission and purpose of providing recreational and
19 educational programs and services to youth, provided the exemption amount is limited
20 to \$80,000; and

21 3. May grant a full or partial exemption from the charge,
22 under conditions prescribed by the County Councils, for:

23 A. Residential property located in a mixed retirement
24 development as defined in the zoning ordinance of Prince George's County;

25 B. Residential property located in a planned retirement
26 community as defined in the zoning ordinance of Montgomery County;

27 C. Other elderly housing; or

28 D. Properties used for biotechnology research and
29 development, or manufacturing.

30 (v) On July 1, 1999, and July 1 of each succeeding year, the
31 maximum charge, as established in subparagraph (ii) of this paragraph, may be
32 changed by an amount equal to the prior calendar year's change in the Consumer
33 Price Index published by the Bureau of Labor Statistics of the United States

1 Department of Labor for urban wage earners and clerical workers for all items for the
2 Washington, D.C. metropolitan area, or the successor index.

3 (2) If the charge established by the County Councils is less than the
4 amount necessary to recover the full cost of constructing growth related facilities, the
5 WSSC shall identify the portion of the cost of that growth that will be paid by current
6 ratepayers as:

7 (i) A percentage of any rate increase; and

8 (ii) The annual monetary amount on a typical residential
9 customer's annual water and sewer bill.

10 (3) If the County Councils do not agree on the amount of the charge,
11 the charge imposed during the previous year shall continue in effect for the following
12 fiscal year.

13 (4) If the County Councils have not previously agreed on any system
14 development charge, a system development charge may not be imposed during that
15 fiscal year.

16 (5) (i) Before July 1, 1994, the WSSC may not impose a system
17 development charge in an amount greater than 50% of the charge established by the
18 County Councils under this subsection.

19 (ii) Before July 1, 1995, the WSSC may not impose a system
20 development charge greater than 75% of the charge established by the County
21 Councils under this subsection.

22 (d) (1) (i) The WSSC shall deposit all funds collected under the system
23 development charge into the system development charge fund.

24 (ii) The system development charge fund is a special fund which
25 may not revert to general funds of the WSSC.

26 (2) The WSSC may only use the funds collected under the system
27 development charge to:

28 (i) Pay for new treatment, transmission, and collection
29 facilities, the need for which is directly attributable to the addition of new service, and
30 the construction of which began after July 1, 1993; or

31 (ii) Amortize any bond that is issued in connection with the
32 construction of those new facilities.

33 (3) Other costs of enhancement, maintenance, or environmental
34 regulation on existing or new systems shall be borne equally by all ratepayers.

1 (e) (1) The WSSC may allow a developer to design and construct any
2 on-site or off-site facilities necessary for a project of the developer, as long as those
3 facilities are:

4 (i) In the WSSC Capital Improvement Program and the
5 10-year Comprehensive Water Supply and Sewerage System Plan adopted by one of
6 the County Councils;

7 (ii) Major projects included in the WSSC Capital Improvement
8 Program; or

9 (iii) Projects that include a sewer main or a water main that:

10 1. Provides only local service;

11 2. Is 2,000 feet or less;

12 3. Has a diameter of:

13 A. 15 inches or more if it is a sewer main; or

14 B. 16 inches or more if it is a water main; and

15 4. Is built to avoid unnecessary and uneconomical
16 duplication when a major project is constructed.

17 (2) A facility constructed under this subsection shall be designed,
18 constructed, and inspected in accordance with:

19 (i) The standards utilized by the WSSC; and

20 (ii) All applicable laws, regulations, and written policies of the
21 WSSC.

22 (3) After the WSSC approves facilities constructed by a developer
23 under this subsection, the WSSC shall:

24 (i) Accept the facilities as part of the WSSC system; and

25 (ii) Subject to the provisions of paragraph (4) of this subsection,
26 grant the developer a credit against any charge imposed under this section in an
27 amount equal to the cost of constructing those facilities.

28 (4) The internal auditor of the WSSC shall review and approve the
29 costs incurred by the developer.

1 (5) The WSSC and the developer shall enter into an agreement
2 incorporating the provisions of this subsection.

3 (6) If the WSSC rejects a developer's request to design and construct
4 facilities under this subsection, the WSSC shall submit to the developer a written
5 explanation of the reasons for the rejection.

6 (7) The WSSC shall submit a report at the end of each fiscal year to
7 the House and Senate Delegations of both counties and to the County Councils. The
8 report shall state the number of requests made by developers under this subsection
9 including the number of acceptances and rejections by the WSSC and the justification
10 for any rejections.

11 DRAFTER'S NOTE:

12 Error: Purpose paragraph of bill being cured failed to accurately describe the
13 changes made by the bill.

14 Occurred: Chapter 441 (House Bill 1139) of the Acts of 2009.

15 **Article – Corporations and Associations**

16 5–108.

17 (a) If required under § 5–107 of this subtitle to obtain a certificate of
18 authorization for use of a corporate name, the professional corporation or its
19 incorporator shall file an application with the appropriate licensing unit, using a form
20 provided by the licensing unit that contains:

21 (1) The name to be adopted by the corporation;

22 (2) The reasons for adopting the name; and

23 (3) Any other information required by the licensing unit.

24 (b) The application shall be accompanied by the fee, if any, set by the
25 licensing unit.

26 (c) (1) Upon receipt of the application and fee under subsections (a) and
27 (b) of this section, the licensing unit shall consult with and obtain the approval of the
28 professional organization, if one exists, to which a majority of individuals in the State
29 rendering the professional service belong.

30 (2) In determining the appropriateness of the proposed corporate
31 name, the professional organization shall consider the established ethical standards,
32 rules, and regulations of the profession.

1 (d) If the licensing unit and, if required, the professional organization
2 approve of the proposed corporate name, the licensing unit shall issue a certificate of
3 authorization for use of a corporate name to the corporation or its incorporator.

4 (e) Any licensing unit with jurisdiction over the professional service
5 mentioned in the corporation's articles of incorporation may approve the adoption and
6 use of a corporate name under the provisions of §§ 5-106 through 5-108 of this
7 subtitle.

8 DRAFTER'S NOTE:

9 Error: Function paragraph of bill being cured incorrectly indicated that § 5-108
10 of the Corporations and Associations Article was unamended.

11 Occurred: Chapter 339 (House Bill 498) of the Acts of 2009.

12 **Article – Courts and Judicial Proceedings**

13 3-8C-12.

14 On or before November 1 of each year, the Chief Judge of the Court of Appeals
15 shall report to the General Assembly, in accordance with § 2-1246 of the State
16 Government Article, on each Truancy Reduction Pilot Program established under this
17 subtitle.

18 DRAFTER'S NOTE:

19 Error: Function paragraph of bill being cured incorrectly indicated that §
20 3-8C-11, rather than § 3-8C-12, of the Courts Article was being added.

21 Occurred: Chapter 718 (House Bill 1321) of the Acts of 2009.

22 **Article – Education**

23 16-310.

24 (a) (1) Subject to paragraphs (2), (3), (4), (5), and (6) of this subsection and
25 subsection (f) of this section, any student who attends a community college in this
26 State and is not a resident of this State shall pay, in addition to the student tuition
27 and fees payable by a county resident, an out-of-state fee, at least equal to:

28 (i) 60% of the county share per full-time equivalent student as
29 determined under § 16-305 of this subtitle; and

30 (ii) The marginal cost component of the State share per
31 full-time equivalent student as determined under § 16-305(c)(5) of this subtitle.

1 (6) (i) In this paragraph, “BRAC” means the Base Realignment
2 and Closure process as announced by the United States Department of Defense.

3 (ii) Each board of community college trustees may waive the
4 out-of-state fee as determined in paragraph (1) of this subsection for a student who
5 resides in the State but does not meet the in-State residency requirement for tuition
6 purposes and has moved to the State as an employee or a family member of an
7 employee as part of BRAC.

8 (iii) Any BRAC employee or family member of a BRAC employee
9 attending a community college in the State who satisfies the requirements established
10 in this paragraph shall be included as an in-State resident for computation of the
11 State aid to community colleges in accordance with § 16-305 of this subtitle.

12 (b) (1) Subject to the provisions of paragraphs (2), (3), and (4) of this
13 subsection and subsection (g) of this section, any student who attends a community
14 college not supported by the county in which the student resides shall pay, in addition
15 to the student tuition and fees payable by a resident of a county that supports the
16 community college, an out-of-county or out-of-region fee at least equal to 60% of the
17 county share per full-time equivalent student as determined under § 16-305 of this
18 subtitle.

19 (4) (i) In this paragraph, “BRAC” means the Base Realignment
20 and Closure process as announced by the United States Department of Defense.

21 (ii) Each board of community college trustees may waive the
22 out-of-county fee or out-of-region fee as determined in paragraph (1) of this
23 subsection for a student who resides in the county but does not meet the in-county
24 residency requirement for tuition purposes and has moved to the State as an employee
25 or a family member of an employee as part of BRAC.

26 DRAFTER’S NOTE:

27 Error: Purpose paragraph of bill being cured failed to accurately describe the
28 changes made by the bill.

29 Occurred: Chapter 697 (House Bill 923) of the Acts of 2009.

30 18-2806.

31 The Office, in collaboration with the Department, shall adopt regulations to
32 implement the provisions of this subtitle, including:

33 (1) Establishing the maximum number of participants in the Program
34 each year in each priority area described under § 18-2805 of this subtitle; and

1 (5) At the end of each fiscal year, any unspent or unencumbered
2 balance in the Fund that exceeds \$2,000,000 shall revert to the General Fund of the
3 State in accordance with § 7–302 of the State Finance and Procurement Article.

4 (6) In accordance with the State budget, the Fund shall be used only:

5 (i) To provide grants to the counties to be used by the counties
6 to develop and implement local recycling plans;

7 (ii) To provide grants to counties that have addressed methods
8 for the separate collection and recycling of covered electronic devices in accordance
9 with § 9–1703(c)(1) of this subtitle;

10 (iii) To provide grants to municipalities to be used by the
11 municipalities to implement local covered electronic device recycling programs; and

12 (iv) To carry out the purposes of the Office of Recycling under
13 this subtitle and under Title 6, Subtitle 9 of this article.

14 (7) (i) The Treasurer shall invest the money in the Fund in the
15 same manner as other State money may be invested.

16 (ii) Any investment earnings of the Fund shall be credited to the
17 General Fund of the State.

18 **DRAFTER’S NOTE:**

19 Error: Function paragraph of bill being cured incorrectly indicated that §
20 19–1707(f), rather than § 9–1707(f), of the Environment Article was being amended.

21 Occurred: Chapter 713 (House Bill 1263) of the Acts of 2009.

22 **Article – Health – General**

23 10–701.

24 (a) (1) In this subtitle the following words have the meanings indicated.

25 (2) (i) “Advocate” means a person who provides support and
26 guidance to an individual in a facility.

27 (ii) “Advocate” includes a family member or friend.

28 (iii) “Advocate” does not include an attorney acting in the
29 capacity of legal counsel to an individual in a facility during the treatment planning
30 and discharge planning process.

1 (3) “Facility” does not include an acute general care hospital that does
2 not have a separately identified inpatient psychiatric service.

3 (4) (i) “Mental abuse” means any persistent course of conduct
4 resulting in or maliciously intended to produce emotional harm.

5 (ii) “Mental abuse” does not include the performance of an
6 accepted clinical procedure.

7 (5) (i) “Prone restraint” means restricting the free movement of all
8 or a portion of an individual’s body through the use of physical force or mechanical
9 devices while the individual is in a prone position.

10 (ii) “Prone restraint” does not include a technique for
11 transitioning an individual to a restraint position that involves momentarily placing
12 the individual face down.

13 (b) It is the policy of this State that each individual with a mental disorder
14 who receives any service in a facility has, in addition to any other rights, the rights
15 provided in this subtitle.

16 (c) Each individual in a facility shall:

17 (1) Receive appropriate humane treatment and services in a manner
18 that restricts the individual’s personal liberty within a facility only to the extent
19 necessary and consistent with the individual’s treatment needs and applicable legal
20 requirements;

21 (2) Receive treatment in accordance with the applicable individualized
22 plan of rehabilitation or the individualized treatment plan provided for in § 10–706 of
23 this subtitle;

24 (3) Be free from restraints or seclusions except for restraints or
25 seclusions that are:

26 (i) Used only during an emergency in which the behavior of the
27 individual places the individual or others at serious threat of violence or injury; and

28 (ii) 1. Ordered by a physician in writing; or

29 2. Directed by a registered nurse if a physician’s order is
30 obtained within 2 hours of the action;

31 (4) Be free from prone restraint;

32 (5) Be free from restraint that:

- 1 (i) Applies pressure to the individual's back;
- 2 (ii) Obstructs the airway of the individual or impairs the
3 individual's ability to breathe;
- 4 (iii) Obstructs a staff member's view of the individual's face; or
- 5 (iv) Restricts the individual's ability to communicate distress;
- 6 (6) Be free from mental abuse;
- 7 (7) Be protected from harm or abuse as provided in this subtitle;
- 8 (8) Except as provided in subsection (d) of this section, and subject to
9 subsection (j) of this section, have the right to an advocate of the individual's choice
10 participate in the treatment planning and discharge planning process; and
- 11 (9) Subject to the provisions of § 10–708 of this subtitle, if the
12 individual has an advance directive for mental health services provided for in §
13 5–602.1 of this article, receive treatment in accordance with the preferences in the
14 advance directive.
- 15 (d) Notwithstanding the provisions of subsection (c)(8) of this section, a
16 facility may prohibit an advocate from participating in the treatment planning or
17 discharge planning process for an individual if:
- 18 (1) (i) The individual is a minor or an adult under guardianship in
19 accordance with § 13–705 of the Estates and Trusts Article; and
- 20 (ii) The parent of the minor or the legal guardian of the
21 individual has requested that the advocate not participate; or
- 22 (2) The advocate has engaged in behavior that:
- 23 (i) Is disruptive to the individual, other patients, or staff at the
24 facility; or
- 25 (ii) Poses a threat to the safety of the individual, other patients,
26 or staff at the facility.
- 27 (e) A facility shall:
- 28 (1) Have a written policy specifying the method used to ensure that an
29 individual whose primary language or method of communication is nonverbal is able
30 to effectively communicate distress during a physical restraint or hold; and

1 (2) Ensure that all staff at the facility who are authorized to
2 participate in a physical restraint or hold of individuals are trained in the method
3 specified in the written policy required under item (1) of this subsection.

4 (f) Subject to the provisions of §§ 4–301 through 4–309 of this article, the
5 records of each individual in a facility are confidential.

6 (g) (1) Notwithstanding any other provision of law, when the State
7 designated protection and advocacy agency for persons with developmental disabilities
8 has received and documented a request for an investigation of a possible violation of
9 the rights of an individual in a facility that is owned and operated by the Department
10 or under contract to the Department to provide mental health services in the
11 community under this subtitle, the executive director of the protection and advocacy
12 agency or the executive director’s designee:

13 (i) Before pursuing any investigation:

14 1. Shall interview the individual whose rights have been
15 allegedly violated; and

16 2. Shall attempt to obtain written consent from the
17 individual; and

18 (ii) If the individual is unable to give written consent but does
19 not object to the investigation:

20 1. Shall document this fact; and

21 2. Shall request, in writing, access to the individual’s
22 records from the Director of the Mental Hygiene Administration.

23 (2) On receipt of the request for access to the individual’s records, the
24 Director of the Mental Hygiene Administration shall authorize access to the
25 individual’s records.

26 (3) After satisfying the provisions of paragraphs (1) and (2) of this
27 subsection, the executive director of the protection and advocacy agency, or the
28 executive director’s designee, may pursue an investigation and as part of that
29 investigation, shall continue to have access to the records of the individual whose
30 rights have been allegedly violated.

31 (h) (1) On admission to a facility, an individual shall be informed of the
32 rights provided in this subtitle in language and terms that are appropriate to the
33 individual’s condition and ability to understand.

1 (e) (1) Except as provided in paragraph (2) of this subsection, each trustee
2 shall attend at least 80% of the monthly Board of Trustees meetings held during a
3 1-year period beginning January 1.

4 (2) (i) A trustee may be granted an excused absence by the
5 chairman of the Board or another officer of the Board due to:

- 6 1. illness;
- 7 2. family emergencies;
- 8 3. jury duty; or
- 9 4. attendance at investment or fiduciary training.

10 (ii) An excused absence under this paragraph may not be
11 considered an absence for the purposes of paragraph (1) of this subsection.

12 (3) (i) Any elected or Governor-appointed trustee that fails to
13 attend at least 80% of the meetings, not including excused absences under paragraph
14 (2) of this subsection, shall be removed from the Board of Trustees by the Governor.

15 (ii) The Governor shall fill the vacancy for the office of the
16 trustee for the unexpired term in the same manner as the office was previously filled.

17 (iii) The State Retirement Agency shall submit a trustee
18 attendance report to the Department of Legislative Services by June 30 and December
19 31 of each year.

20 (4) An elected trustee representing employees of any of the several
21 systems shall be given reasonable time during work to attend monthly meetings of the
22 Board of Trustees or committee meetings of the Board of Trustees.

23 DRAFTER'S NOTE:

24 Error: Purpose paragraph of bill being cured failed to accurately describe the
25 changes made by the bill.

26 Occurred: Chapter 674 (House Bill 446) of the Acts of 2009.

27 **Article – Tax – General**

28 5–301.

29 (e) Before a resident dealer delivers or ships beer to a wholesaler in the
30 State, the resident dealer shall pay the alcoholic beverage tax on that beer, in the
31 manner that the Comptroller requires.

1 DRAFTER’S NOTE:

2 Error: Function paragraph of bill being cured failed to indicate that §
3 5–301(e) of the Tax – General Article was being added.

4 Occurred: Chapter 205 (Senate Bill 162) of the Acts of 2009.

5 **Chapter 445 of the Acts of 2005, as amended by Chapter 485 of the Acts of**
6 **2009**

7 Section 1(3)

8 RC00 BALTIMORE CITY COMMUNITY COLLEGE
9 (Baltimore City)

10 (A) Main Building Renovation – Liberty Campus. Provide funds
11 to equip the Student Services Wing 458,184

12 RM00 MORGAN STATE UNIVERSITY
13 (Baltimore City)

14 (D) Montebello E–Wing/Old Power Plant/Morgue/Northwood
15 Shopping Center Demolition. Provide funds for the design and
16 demolition of the E–Wing, Old Power Plant, and Morgue at
17 the Montebello Complex on the Morgan State University
18 campus and for the demolition of the Northwood Shopping
19 Center 920,000

20 ZA00 MISCELLANEOUS GRANT PROGRAMS

21 (AF) Strathmore Hall Performing Arts Center. Provide a grant to
22 the County Executive and County Council of Montgomery
23 County to assist in the construction and capital equipping of a
24 multi–use performing arts center and educational facility on
25 the grounds of the Strathmore Hall in Bethesda, subject to
26 the requirement that the grantee provide an equal and
27 matching fund for this purpose. Notwithstanding Section 1(5)
28 of this Act, the matching fund may include funds expended
29 prior to the effective date of this Act (Montgomery County).... 0

30 DRAFTER’S NOTE:

31 Error: Misplaced conjunction in function paragraph of bill being cured.

32 Occurred: Chapter 485 (House Bill 102) of the Acts of 2009.

1 **Chapter 268 of the Acts of 2006, as amended by Chapters 48 and 49 of the Acts**
2 **of 2009**

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 July 1, 2006. It shall remain effective for a period of 6 years and 6 months and, at the
5 end of December 31, 2012, with no further action required by the General Assembly,
6 this Act shall be abrogated and of no further force and effect.

7 DRAFTER'S NOTE:

8 Error: Purpose paragraphs of bills being cured failed to accurately describe the
9 changes made by the bills.

10 Occurred: Chapters 48 and 49 (Senate Bill 305/House Bill 93) of the Acts of
11 2009.

12 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
13 read as follows:

14 **Article – Transportation**

15 12–118.

16 (e) (1) Subject to paragraph (2) of this subsection, money in the special
17 fund established under subsection (c)(2) of this section shall be distributed to the
18 Department of State Police and the State Highway Administration to cover the costs of
19 implementing and administering work zone speed control systems.

20 (2) The balance of the money in the special fund shall be distributed to
21 the Transportation Trust Fund established under § 3–216 of this article.

22 DRAFTER'S NOTE:

23 Error: Function paragraph of bill being cured incorrectly indicated that
24 § 12–118(e) of the Transportation Article, as enacted by Section 1 of Chapter 500 of the
25 Acts of 2009, rather than by Section 2, was being amended.

26 Occurred: Chapter 500 (Senate Bill 277) of the Acts of 2009.

27 SECTION 3. AND BE IT FURTHER ENACTED, That the Drafter's Notes
28 contained in this Act are not law and may not be considered to have been enacted as
29 part of this Act.

30 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
31 take effect October 1, 2012, the effective date of Chapter 500, Section 3 of the Acts of

1 the General Assembly of 2009. If the effective date of Chapter 500, Section 3 is
2 amended, this Act shall take effect on the taking effect of Chapter 500, Section 3.

3 SECTION 5. AND BE IT FURTHER ENACTED, That this Act is an emergency
4 measure, is necessary for the immediate preservation of the public health or safety,
5 has been passed by a yea and nay vote supported by three-fifths of all the members
6 elected to each of the two Houses of the General Assembly and, except as provided in
7 Section 4 of this Act, shall take effect from the date it is enacted.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.